

Chairman Vap called the regularly scheduled meeting to order at 10:02 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published February 3, 2004, on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 10, 2004, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, February 10, 2004:

1:30 Commission Hearing Room, Lincoln. Show Cause Hearings.

B-1611 Angel Vazquez, dba El Aguila Transportation, Lexington, seeking authority as a common carrier in Nebraska intrastate commerce by van in open class service over regular routes between points in Lexington over regular routes and between points within a 40-mile radius of Lexington over irregular routes. Commissioner Vap chairing.

M-12873 William C. McGraw, Jr., dba R & R Delivery, York. Co. Commissioner Rod Johnson chairing.

M-14181 Adam Baker/Alex Baker, dba A & A Moving, Fremont. Commissioner Lowell Johnson chairing.

M-14110 Mike's Moving, Inc., Omaha. Commissioner Boyle chairing.

M-14170 Chuck Garcia, dba AAA Piano Moving, Omaha. Commissioner Boyle chairing.

M-14177 Brian Everett Benson, dba B.E. #1 Service, Omaha. Commissioner Boyle chairing.

Thursday, February 12, 2004:

C-3026 Oral Argument, Commission Hearing Room, Lincoln.

11:00 In the Matter of the Commission, on its own motion, seeking to conduct a 9-month proceeding as contemplated by the Federal Communications Commission in its Triennial Review Order adopting new rules for network unbundling obligations. Call-in number established at 402-471-6000 in Lincoln and 1-888-866-4213 for outside of Lincoln. Commissioner Boyle chairing.

COMMUNICATIONS DEPARTMENT

C-2910 In the Matter of Lincoln Electric System, Lincoln,
 seeking contract carrier permit authority: Gene Hand
informed the Commission that the City of Lincoln had appealed the
findings of the Lancaster County District Court to the Court of
Appeals.

C-2932 In the Matter of NPCR, Inc., d/b/a Nextel Partners, Eden
 Prairie, Minnesota, seeking designation as an eligible
telecommunications carrier that may receive universal service support:
Motion was made by Commissioner Frank Landis, seconded by Commissioner
Rod Johnson to enter an order denying the application. Motion was
passed with Commissioners Rod Johnson, Frank Landis, Jerry Vap voting
AYE, and Commissioners Anne Boyle, Lowell Johnson voting NAY and
issuing a written dissent.

C-3026 In the Matter of the Commission, on its own motion,
 seeking to conduct a 9-month proceeding as contemplated by
the Federal Communications Commission in its Triennial Review Order
adopting new rules for network unbundling obligations: A Hearing
Officer Order was entered on February 5, 2004, setting an oral
argument for February 12, 2004, at 11:00 a.m. in the Commission
Hearing Room, Lincoln. A call-in number has been established at
402-471-6000 if in Lincoln, and 1-888-866-4213 if outside of Lincoln.
Gene Hand advised the Commission that Alltel filed a Motion to Stay on
Friday, February 6, 2004. Discussion was had concerning Alltel's
Motion for Stay. Commissioner Landis requested staff to prepare a
proposed revised time line for proceeding in this matter.

C-3061 In the Matter of the Commission, on its own motion, seeking
PI-75 comment on the request by United Way of the Midlands to be
 assigned the use of "211" in Hall, Hamilton, Howard and
Merrick Counties for access to First Call for Help (FCFH), a compre-
hensive information and referral service: Motion was made by Commis-
sioner Anne Boyle, seconded by Commissioner Lowell Johnson to enter an
order granting the application. Motion was passed with Commissioners
Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap
voting AYE.

C-3066 In the Matter of the Commission, on its own motion, seeking
PI-76 comment on the request by United Way of the Midlands, on
 behalf of Three Rivers Public Health Department, to be
assigned the use of "211" in Dodge, Washington and Saunders Counties
for access to First Call for Help (FCFH), a comprehensive information
and referral service: Motion was made by Commissioner Anne Boyle,
seconded by Commissioner Lowell Johnson to enter an order granting the
application. Motion was passed with Commissioners Anne Boyle, Lowell
Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3084 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its interconnection agreement for terms and conditions for interconnection, unbundled network elements, ancillary services, and resale of telecommunication services with IDT America, Corp, Newark, New Jersey: Motion was made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis to enter an order granting the application. Motion was passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3085 In the Matter of BroadWing Telecommunications, Inc., Austin, Texas, seeking to change its name to Cincinnati Bell Any Distance, Inc.: Motion was made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson to enter an order granting the application. Motion was passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3086 In the Matter of Big Planet, Inc., Provo, Utah, seeking to surrender its certificate of authority and withdraw its tariff, previously granted in Application C-1831: Motion was made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to enter an order granting the application. Motion was passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3100 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the statewide Telecommunications Relay System to be effective July 1, 2004. Motion was made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to enter an order opening the docket. Motion was passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3099 In the Matter of the Commission, on its own motion, seeking
PI-77 comment on the request by United Way of the Midlands to be assigned the use of "211" in the City of Lincoln and Lancaster County for access to First Call for Help (FCFH), a comprehensive information and referral service: A hearing was set for March 17, 2004, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Frank Landis will preside as Hearing Officer.

Engineering Division

C-2029 In the Matter of Norris Public Power District, Beatrice, seeking to construct, operate and maintain an electric transmission line in Lancaster County: Motion was made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson to enter an order granting the application. Motion was passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand provided a copy of an article that was published in the Omaha World-Herald on January 29, 2004, regarding the requirement that telemarketers' names appear on Caller ID effective January 29, 2004.

Gene Hand informed the Commissioners of several items on the FCC's February 12, 2004, agenda, including issuing a voice over IP NPRM, broadband over power line interference issues, outage notification for ISPs, wireless and cable providers, and interstate access charges for rate of return LECs. He also reminded Commissioners of the VoIP Summit that Commissioners and staff will be listening to on Tuesday, February 17, 2004, from 1:00 p.m. to 2:45 p.m. in the Commission Hearing Room, Lincoln.

Gene Hand reported on the status of the federal TRS fund and the impact that Internet Protocol Relay Service and Video Relay Service are having on the ability of the fund to timely reimburse providers.

UNIVERSAL SERVICE FUND

Jeff Pursley reported on the Late-Filed Carrier Remittances. The Commission approved the recommendation that complaints be filed against InterNet-Tel, Inc. and GE Business Solutions.

Jeff Pursley discussed Western Wireless and Nextel regarding the reporting of access lines to USAC.

Due to poor weather, the Paging Services Workshop, previously scheduled for January 27, 2004, was continued to March 2, 2004, at 1:00 p.m. in the Commission Hearing Room, Lincoln.

NATURAL GAS AND WATER DEPARTMENT

P-0007 In the Matter of Aquila, Inc., Omaha, seeking resolution of a dispute under Neb. Rev. Stat. Sec. 57-1306: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

LEGISLATIVE REPORT

Andy Pollock reported on pending legislation.

GRAIN WAREHOUSE DEPARTMENT

GW-5 In the Matter of Thelen Grain Company, Wood River: Commissioner Rod Johnson moved that the Thelen Grain Company file an audited March 31, 2004, financial statement by April 30, 2004, and Commissioner Landis seconded the motion. Commissioners Lowell Johnson, Rod Johnson and Landis voted aye and Commissioners Boyle and Vap voted no. The motion passed. As requested by applicant's accountant, a measure up of grain in the facilities will be taken.

GW-2101 In the Matter of Washington International Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. S-8004648 in the amount of \$982,600.00, issued on in behalf of Fox Grain of Gibbon, Inc., Gibbon: Application was granted effective December 1, 2003.

Moisture Meter Division

Upon agreement of all Commissioners, authorization was granted to destroy all unused 2003 moisture meter approval tags No. 47080-47100 and 47442-47499.

Grain Dealer Division

Upon agreement of all Commissioners, authorization was granted to destroy all expired grain dealer plates from licensing periods ending June 30, 2003, No. 3010, 3071-3099, and December 31, 2003, No. 1061, 1336-1400.

TRANSPORTATION DEPARTMENT

B-1610 In the Matter of J. M. Wolfies, Inc., North Platte: Upon agreement of all Commissioners, the show cause was sustained and the authority revoked.

B-1616 In the Matter of Jose Luis Rodriguez, dba Pumas Taxi, Fremont, seeking authority as a common carrier of passengers by taxicab in Nebraska intrastate commerce between points in Fremont and between points in Fremont and points within a 60-mile radius of Fremont over irregular routes: Upon agreement of all Commissioners, the application was dismissed.

B-1635 In the Matter of Herbert W. Brown, Omaha, seeking authority as a common carrier of passengers in open class service by vans between points in Douglas and Sarpy counties, and between points in said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes: Upon agreement of all Commissioners, the application was dismissed.

TRANSPORTATION DEPARTMENT (Cont.)

B-1644 In the Matter of A-List, Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by luxury or stretch limousine between points in Nebraska over irregular routes: Upon agreement of all Commissioners, the application was dismissed.

B-1535 In the Matter of Guard-Rite Security Services, LLC,
Supp. 1 Norfolk, seeking to extend its authority as a common carrier of passengers by sedans and vans in open class service between points in Nebraska over irregular routes. To include the transportation of Health and Human Services clientele and their sub-contractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: A video hearing was set for February 19, 2004, at 10:00 a.m. in the Commission Library, Lincoln; Nebraska State Office Building, Room 207, Second Floor, 1313 Farnam Street, Omaha; and Northeast Community College, MacLay Building, Room 122, 801 East Benjamin Avenue, Norfolk.

Rate Division

MR-1009 In the Matter of the Commission, on its own motion, adopting the affidavit and setting procedural schedule: Upon
PI-70 agreement of all Commissioners, an Order Seeking Comments was entered.

MR-1019 In the Matter of National Motor Freight Association, Inc., Alexandria, Virginia, agent for and on behalf of participating carriers, seeking authority to place in effect on Nebraska intrastate traffic the provisions of Supplement 1 to the National Motor Freight Classification, NMF 100-AD: Upon agreement of all Commissioners, the application was granted.

TR-133 In the Matter of Spencer M. Fentress, dba Fairbury Taxi, Fairbury, seeking authority to amend its taxi rates for its use: Upon agreement of all Commissioners, the application was granted on an emergency basis.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-E: The fuel surcharge was reduced to 14 cents per mile and the taxi surcharge was retained at 30 cents per trip.

Bob Harrison provided a report regarding informal complaints that had been received.

Shana Knutson provided a report regarding the dockets that are open at this time.

HOUSING DEPARTMENT

Mark Luttich informed the Commission that Nebraska's Modular Housing Unit Act has provided assurance to the State of New Mexico that modular homes sent into their state would be repaired should problems occur. The Act allows the Commission to remove all home labels from a manufacturer, effectively closing a manufacturing facility, should the manufacturer not perform the necessary repairs. This assurance was one reason New Mexico agreed to continue its acceptance of our inspection program.

Mark Luttich reported on the Modular Housing Unit Interstate Compact meeting in Kansas City, Missouri.

Mark Luttich informed the Commission that an investigation continues to investigate the possible recreational vehicle furnace recall by an Indiana manufacturer. It is possible that some furnaces are installed in such a way that combustion gas, containing carbon monoxide, will vent to the interior of the recreational vehicle.

GENERAL ADMINISTRATION

Commissioner Landis left the Commission Hearing Room.

The Commission approved the following invoices:

DAS - Materiel - Office Supplies	\$ 1,097.84
HHS Finance & Support	1,657.76
Commercial Computer Systems, Inc.	632.00
Kelly Services	425.60
Kelly Services	560.00
Kelly Services	706.56
Kelly Services	372.40
Kent Pribyl	506.70

Upon agreement of all Commissioners present, authorization was granted for Mark Luttich and Kent Pribyl to travel to Kansas City, Missouri, on Wednesday, February 4, 2004, to attend a modular housing meeting. Prior approval had been obtained to travel to Kansas City to attend this meeting on February 5 and 6, 2004. Motion was made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Jerry Vap voting AYE. Commissioner Frank Landis was excused, not voting.

Upon agreement of all Commissioners present, authorization was granted to surplus the following property. Motion was made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Jerry Vap voting AYE. Commissioner Frank Landis was excused, not voting.

GENERAL ADMINISTRATION (Cont.)

#1156 Modem, IBM 5853, 2400 BPS, SN 84469

#1232 Patch Panel

#1242 Printer, Lexmark Color Jetprinter PS, SN 40790011105355

#1284 Laptop, Gateway, SN BC297292276

#1286 Laptop, Gateway, SN BC297292281

#1288 Laptop, Gateway, SN BC297292219

#1290 Laptop, Gateway, SN BC297292304

#1292 Computer, Gateway, SN 0008026297

#1296 Computer, Gateway, 0009257711

#1333 Monitor, CompuAdd, SN A3LCSP498

#1357 Computer, Gateway, SN 0011309301

#1383 Computer, Gateway, 0013384324

#1394 Printer, Lexmark 5700 SN 1864332

#1396 Printer, Lexmark 5700, SN 2035147

#1404 Computer, Dell, SN 1T18P

#1405 Computer, Dell, SN 1T19Q

#1406 Computer, Dell, SN 170I1

#1407 Computer, Dell, SN 170I2

#1408 Computer, Dell, 170I3

#1409 Computer, Dell, SN 4DE1R

#1419 Computer, Gateway, SN 4200450

#1420 Computer, Gateway, SN 0015964625

#1440 Computer, Dell OptiPlex GX110 SN 1KV9101

No Tag Modem (AS400)

No Tag Floppy Drive

No Tag Fax Machine, Brother Intellifax 2600 (Housing)

No Tag 15 keyboards

No Tag Printer, Okidata 82A Microline

No Tag Scanner, Scan Partner 10C, SN 6080462-SPC

No Tag AB Switch, Inmac Clear Signal Plus X-Switch

No Tag Computer, Compaq, SN A526HNB4D655

No Tag UPS, APC 450

Upon agreement of all Commissioners present, authorization was granted for Steve Stovall to travel to Denver, Colorado, from March 7 to 20, 2004, to participate in the Qwest Section 272 Audit. Motion was made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Jerry Vap voting AYE. Commissioner Frank Landis was excused, not voting.

Commissioner Lowell Johnson moved that the Commission go into closed session to discuss personnel and litigation issues and Commissioner Anne Boyle seconded the motion. Upon agreement of all Commissioners present, the Commission went into closed session at 11:15 a.m.

GENERAL ADMINISTRATION (Cont.)

Commissioner Landis returned to the Commission Hearing Room during closed session.

Commissioner Lowell Johnson moved that the Commission return to open session and Commissioner Frank Landis seconded the motion. Upon agreement of all Commissioners, the Commission returned to open session at 11:30 a.m.

Commissioner Frank Landis moved that the Commission extend offers to Mark Breiner and Angela Melton for the open attorney positions and Commissioner Lowell Johnson seconded the motion. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

The meeting adjourned at 11:38 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on February 18, 2004, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on February 17, 2004.

Chairman

Executive Director